

4/25/96

## FACT SHEET

### Amendments to the Clean Air Act's Operating Permit Program Requirements for the Final Air Toxics Regulations for Dry Cleaners, Commercial Sterilizers, Chrome Electroplaters, and Secondary Lead Smelters

#### TODAY'S ACTION...

- ◆ The Environmental Protection Agency (EPA) is issuing a final rule under the Clean Air Act Amendments of 1990 to amend four separate final air toxic regulations for the Dry Cleaning, Commercial Sterilization, Chrome Electroplating, and Secondary Lead Smelting industries. Among other things, these regulations currently require operating permits (under the Title V operating permits provision of the Clean Air Act) for large or "major" sources or facilities, as well as smaller or "nonmajor" sources or facilities.
- ◆ Today's action amends these final rules to (a) allow States to defer for five (5) years (up to December 1999) all smaller or "nonmajor" sources subject to these four air toxics regulations from being subject to the requirements of the title V operating permit program, and (b) permanently exempt certain types of facilities or sources subject to the Chrome Electroplating air toxics regulation from the operating permit program requirements.

#### BACKGROUND

- ◆ Under the Clean Air Act Amendments of 1990, EPA is required to regulate emissions of 189 listed toxic air pollutants. On July 16, 1992, EPA published a list of source categories that emit one or more of these air toxics. For listed categories of "major" sources (those that emit 10 tons annually or more of a listed pollutant or 25 tons or more of a combination of pollutants) and certain "area" sources (those that emit hazardous air pollutants below the major source threshold), the Clean Air Act requires EPA to develop standards that will require the application of stringent air pollution controls, known as maximum achievable control technology (MACT).

- ◆ On July 16, 1992, EPA published a list of industry groups (known as "source categories") to be regulated, which included major and area sources in the Dry Cleaning, Commercial Sterilization, Chrome Electroplating, and Secondary Lead Smelting industries.
- ◆ The Clean Air Act Amendments of 1990 also included sweeping new revisions requiring all states to develop operating permits programs to meet certain Federal criteria. The States, in turn, are to require sources or facilities (including major and nonmajor sources of air toxics) to obtain permits that contain all of their Clean Air Act requirements. The EPA may exempt certain categories of nonmajor sources if it believes that compliance will pose an undue burden on affected facilities, particularly small businesses.

**HOW DOES TODAY'S ACTION PROVIDE FLEXIBILITY TO STATES AND SMALL BUSINESSES?**

- ◆ The EPA's amendments will substantially reduce an unnecessary and undue regulatory burden on State and local agencies and small businesses. States have just begun to implement their operating permits programs; today's action will relieve State and local permitting authorities from the burden of issuing thousands of permits to nonmajor sources as they struggle to permit significant numbers of major sources.
- ◆ Deferring operating permit program requirements will provide significant flexibility to small businesses (nonmajor sources); the extra time will allow small businesses to better understand their Clean Air Act requirements and seek any necessary assistance from State or local permitting authorities.
- ◆ The EPA's final air toxics regulation for Chrome Electroplating directly states the measure of compliance for decorative chrome platers and chromium anodizing processes that use fume suppressants air pollution control technology; compliance can be implemented directly independent of a title V operating permit. Therefore, EPA is permanently exempting nonmajor decorative chromium platers and chromium anodizers using fume suppressants control technology from title V

operating permit requirements. This is expected to result in substantial cost savings to these sources.

**WHO WILL BE AFFECTED BY THIS RULE?**

- ◆ Chromium electroplating facilities
- ◆ Ethylene oxide and commercial sterilization and fumigation operations
- ◆ Perchloroethylene dry cleaning facilities
- ◆ Secondary lead smelting facilities

**HOW MUCH WILL THE FINAL RULE COST?**

- ◆ There will be a significant reduction in costs to the non- major decorative chromium platers and chromium anodizers using fume suppressants control technology as a result of permanent exemption from the title V permit requirements. EPA, however, cannot quantify the extent of the cost savings. For other sources, the costs are deferred until the expiration of the 5-year extension at which time the costs to the small businesses should be significantly lower since the States will be better able to provide any necessary assistance to all sources.

**FOR MORE INFORMATION...**

- ◆ Anyone with a computer and a modem can download the rule from the Clean Air Act Amendments bulletin board of EPA's electronic Technology Transfer Network (TTN) by calling (919) 541-5742. For further information about how to access the board, call (919) 541-5384. For further information about the rule, contact Lalit Banker of EPA's Office of Air Quality Planning and Standards at (919) 541-5420.